

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the matter of)
)
Advanced Television Systems)
)
and Their Impact Upon the)
Existing Television Broadcast Service)

MM Docket No. 87-268

OPPOSITION TO
PETITION FOR CLARIFICATION AND PARTIAL RECONSIDERATION
(MSTV *et al.*)

Association of Local Television Stations, Inc.
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July 18, 1997

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**OPPOSITION TO
PETITION FOR CLARIFICATION AND PARTIAL RECONSIDERATION**

The Association of Local Television Stations, Inc. ("ALTV"), hereby opposes the Petition for Clarification and Partial Reconsideration of the Fifth and Sixth Reports and Orders Submitted by The Association for Maximum Service Television, Inc., The Broadcasters Caucus and Other Broadcasters ("Petition"), filed June 13, 1997, with respect to the Commission's *Sixth Report and Order* in the above-captioned proceeding.¹ ALTV is a non-profit, incorporated association of broadcast television stations unaffiliated with the ABC, CBS, or NBC television networks.²

The Petition urges a number of discrete actions by the Commission "to improve its DTV Allotments/Assignments, clarify and perfect its DTV implementation rules, and facilitate prompt DTV roll-out."³ ALTV's "opposition" to the Petition, however, stems not from what the Petition

¹FCC 97-115 (released April 21, 1997), 62 *Fed. Reg.* 26683 (Wednesday, May 13, 1997) [hereinafter cited as *Sixth Report and Order*].

²ALTV's membership includes not only truly independent stations, but also local television stations affiliated with the three emerging networks, Fox, UPN, and WB. ALTV's membership includes both VHF and UHF stations.

³Petition at i.

seeks.⁴ Indeed, ALTV typically has joined with the various signatories of the Petition in commenting on the Commission's proposals for DTV.⁵ No less than any other party, ALTV shares the view expressed in the Petition that the Commission should assure that "all 1601 DTV allotments/assignments are viable, are as optimal as possible and cause as little interference as practical to the public's existing service."⁶ ALTV also concurs that the basic priorities and principles underlying the Commission's DTV allotments/assignments should remain unaltered.⁷ Finally, ALTV agrees with the view expressed in the petition that adjustments should be made at "an early stage" and via the present reconsideration process to the greatest extent possible.⁸

ALTV takes issue with the petition for what it fails to mention. As ALTV warned in its Petition for Reconsideration:

In light of the exceedingly low power levels assigned to many U-to-U DTV stations, the ability of UHF DTV stations to thrive is in considerable doubt. Not only are U-to-U stations at a worse competitive disadvantage *vis-a-vis* their V-to-V and V-to-U station competitors in the digital world than they were in the NTSC world, their ability to provide reliable service even within the hearts of their service areas is far from assured. If they are left to compete with inferior technical facilities, they are destined to fail.⁹

⁴This is not to suggest that ALTV necessarily agrees with every word of the Petition.

⁵See Petition at 2, n.3.

⁶Petition at 3.

⁷Petition at 3.

⁸Petition at 4, 14.

⁹Petition for Reconsideration, MM Docket No. 87-268, filed June 11, 1997, by ALTV, at 1-2 [hereinafter "ALTV Petition"]; see also Petition for Partial Reconsideration of the Fifth Report and Order and of the Sixth Report and Order, MM Docket No. 87-268, filed June 13, 1997, by Viacom Inc. [hereinafter cited as "Viacom Petition"]; Petition for Reconsideration, MM Docket No. 87-268, filed June 13, 1997, by Sinclair Broadcasting Group, Inc. [hereinafter cited as "Sinclair Petition"].

The Petition, however, expresses absolutely no concern about the U-to-U UHF DTV station power problem and certainly proposes no remedy -- despite the fact that the assignment of minimum power levels to many UHF DTV stations constitutes the potentially most severe threat to the viability of numerous new DTV stations and, consequently, to the Commission's efforts to facilitate rapid development of DTV service.¹⁰

ALTV draws the Commission's focus to this shortcoming of the Petition because few, if any, adjustments may be made to the Commission's DTV allotments/assignments or priorities (whether on a case-by-case or overall basis) without affecting others. As the Petition so rightly observes, "[A]ltering a few parameters can drastically affect channel planning."¹¹ The requests in the Petition, therefore, must be considered in the context of the search for a solution to the low power levels assigned many UHF DTV stations -- and, of course, *vice versa*.¹²

Furthermore, in several specific respects, the Petition's failure to address the UHF power problem is glaring. For example, the Petition asserts that "many of the stations subject to the UHF power minimum have DTV service that extends significantly beyond their NTSC Grade B contours."¹³ Such statements obscure the concerns that such stations may fail to provide reliable

¹⁰As noted in the ALTV Petition at 1, "The public will be deprived of service, and the transition to a fully digital world will be stymied. As a result, the return of NTSC spectrum may be delayed. In a worst case, full conversion to digital may never happen."

¹¹Petition at 24.

¹²Notably, no complaint is found in the petition that "the Commission has erred in expanding smaller stations' DTV service areas," despite the acknowledgement that "it makes the goal of replication more difficult to achieve." Petition at 11.

¹³Petition at 9.

service even within their NTSC Grade A contours.¹⁴ Similarly, the Petition asks the Commission to “permit limited experimental operations at power levels above 1000kW and, in its planned two-year review, to consider an across-the-board relaxation of the [1000kW power] cap if appropriate.”¹⁵ Again, however, no suggestion is made that powers for U-to-U DTV UHF stations be increased, either on an experimental, case-by-case, or across-the-board basis.¹⁶ Lastly, by way of example, the Petition embraces bending the Commission’s assumptions and priorities “to ameliorate the most troublesome DTV assignments.”¹⁷ However, no such bending of the rules is envisioned for assisting “smaller stations” DTV service.

In short, the Petition simply turns a blind eye to a serious problem and, presumably, would have the Commission blithely ignore it in its quest to solve the problems raised in the Petition.

¹⁴See Sinclair Petition at 7-11; Viacom Petition at 2; ALTV Petition at 3-6. Maps (prepared by the Department of Commerce, ITS, in Boulder, CO, using the FCC’s software) illustrating the loss of service within a DTV station’s NTSC Grade A contour are attached as Exhibits 1 and 2. The maps depict predicted coverage of DWPGH, Pittsburgh. Exhibit 1 depicts the station’s coverage predicted under the Commission’s planning factors (*i.e.*, an outdoor antenna at 30 feet with no preamplifier, an antenna gain of 10dB, a down lead loss of 4 dB, no building penetration loss, and a receiver noise figure of 7dB). The station’s NTSC Grade A contour is represented by the circle. Exhibit 2 depicts the station’s coverage predicted with modified planning factors (*i.e.*, an indoor antenna with no gain and no down lead loss, a building penetration loss of 30dB, and a receiver noise figure of 10dB). In Exhibit 2, service is lost in nearly 50% of the station’s predicted NTSC Grade A contour. See Sinclair Petition (at 9) with respect to selection of the building penetration loss figure, *citing* Georgia Institute of Technology, *Program to Improve UHF Television Reception*, Final Report (September, 1980), prepared for the FCC UHF Comparability Task Force, Contract No. FCC-0315. Notably, the Petition acknowledges that broadcasters “will fail in [their] common objectives to replicate NTSC service areas and to minimize interference and disruption to the public if receivers do not perform at the level on which the DTV Allotments/Assignments are predicated.” The Petition further notes that “a uniform 10dB noise figure would result in ... a 6% reduction in DTV service.” Petition at 44.

¹⁵Petition at 19.

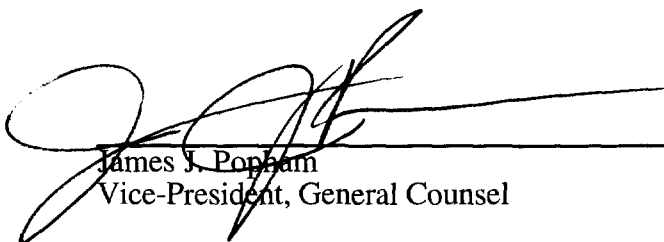
¹⁶ALTV, of course, has proposed a mechanism and standards for case-by-case consideration of power increases for U-to-U DTV UHF stations. ALTV Petition.

¹⁷Petition at 19.

None of the problems raised on reconsideration, however, may be solved in a vacuum. They must be solved in a context which acknowledges all the other legitimate concerns about the Commission's DTV allotments/assignments.

ALTV, therefore, must oppose the Petition to the extent that it seeks to solve some problems in a milieu insulated from the potentially most devastating shortcoming of the Commission's *Sixth Report and Order*.

Respectfully submitted,

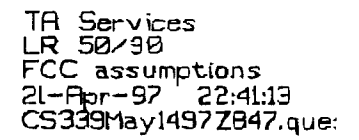
A handwritten signature in black ink, appearing to read 'James J. Popham', is written over a horizontal line.

James J. Popham
Vice-President, General Counsel

**Association of Local Television
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July 18, 1997

EXHIBIT 1



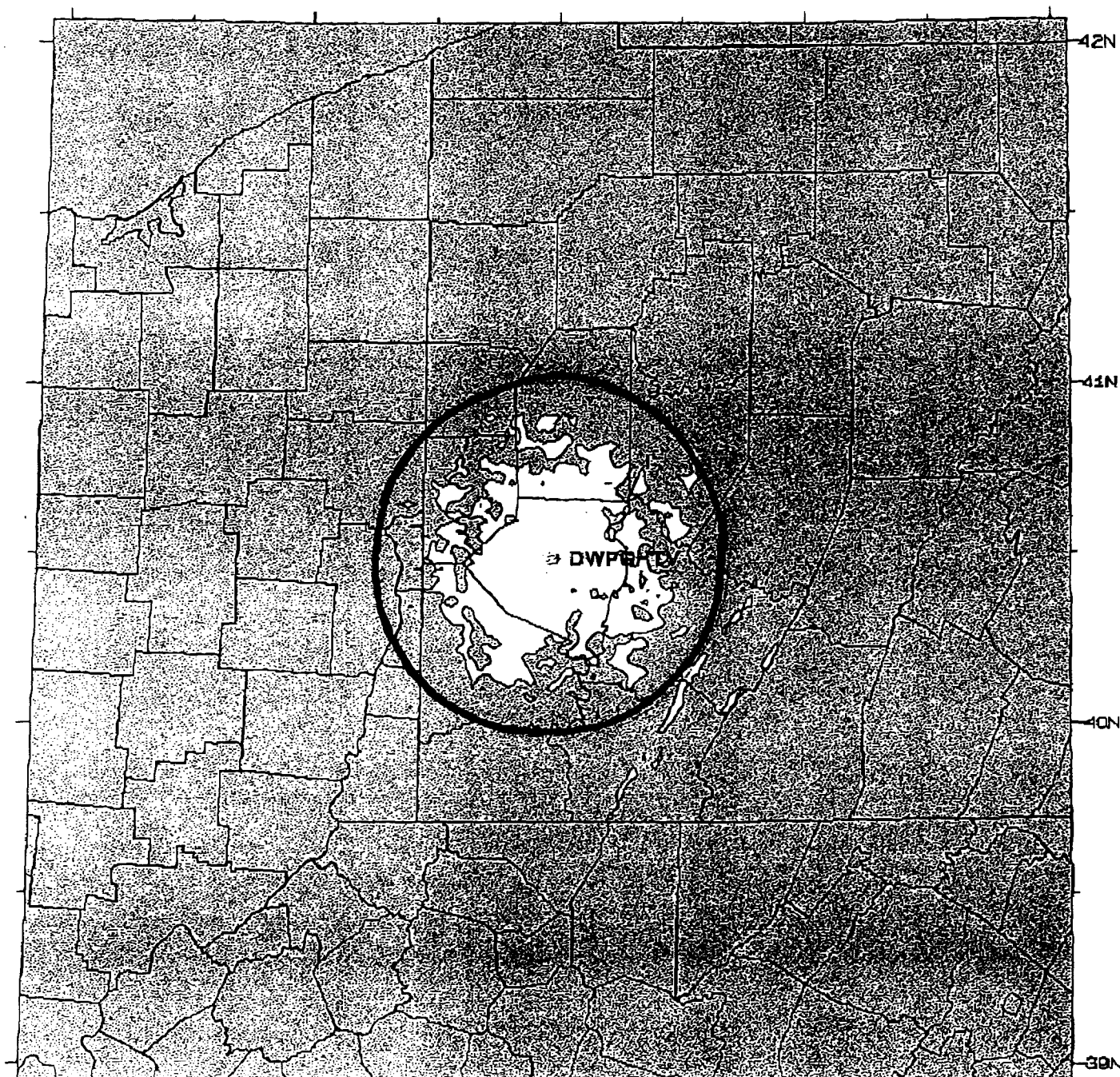
☐ Greater than 40.00
Area: 23500. sq k
Population: 3278000
Households: 1283000

Less than 40.00
Area: 99070. sq k
Population: 6010002
Households: 2270001

EXHIBIT 2

2

TA Services
LR 50/90
FCC assumptions - 39
21-Apr-97 22:41:13
CS339May1497Z847.qu



Field Intensity(dBuv/m)

Greater than 40.80
Area: 4870. sq k
Population: 166500
Households: 68400

Less than 40.80
Area: 117900. sq w
Population: 762300
Households: 289700

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing "Opposition to Petition for Clarification and Partial Reconsideration" were served on this 18th day of July, 1997, via first class mail, postage prepaid, upon the following:

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Golden Empire Television Corporation

United Communications Corporation

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Gannett Broadcasting

Lee Enterprises, Incorporated

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Capitol Broadcasting Company, Inc.

Hubbard Broadcasting, Inc.

J.D.G. Television, Inc.

Newsweb Corporation

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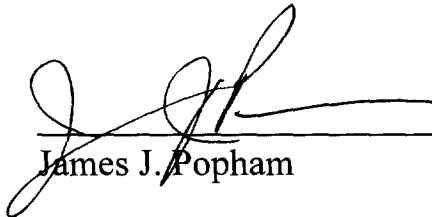
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